

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
7:20-CV-00028-D

**Anti-Tranny Political Action  
Committee & Napier Sandford Fuller,**

Plaintiffs,

v.

**State of North Carolina, et al.,**

Defendants.

**Order**

In response to the court's April 17, 2020 Order, Plaintiff Napier Sandford Fuller filed several motions. The court will address each motion individually.

Fuller first moved to withdraw Anti-Tranny Political Action Committee as a plaintiff. D.E. 13. The court construes this request as a stipulation of dismissal by ATPAC under Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure. The stipulation is self-executing when filed and no other court action is required. Thus, the court denies this motion as moot. The Clerk of Court should update the docket to reflect ATPAC's updated status. Any other filings should list only Fuller as a plaintiff.

Next, Fuller informed the court that he wished to dismiss the nearly identical case he filed at 7:20-CV-00029-D. D.E. 14. The Clerk of Court has dismissed that action. Thus, no further action is required by the court, and this motion is denied as moot.

Finally, Fuller seeks to file an amended complaint before the court conducts its § 1915 screening. D.E. 5, 8, 15. The Federal Rules allow a party to amend its pleading once as a matter of course within 21 days after serving it, or, if another party must respond to the pleading, within 21 days after service of a responsive pleading or a motion under Rule 12(b), (e), or (f). Fed. R. Civ.

P. 15(a)(1). Because Fuller's complaint is subject to a preliminary review under 28 U.S.C. § 1915, he has not served the defendants with a copy of the complaint. Thus, the period when Fuller may amend his pleading as a matter of right has not expired. The court grants Fuller's motions to amend his complaint.

Fuller must file his amended complaint within 14 days from the date of entry of this order. After the court receives the amended complaint, it will conduct a § 1915 screening. Fuller should be aware that in conducting the screening, the court will only consider the allegations in the amended complaint and will not consider allegations in any other filing. Once the court has completed the screening, it will provide more instructions, if necessary, about service of the summons and complaint on the defendants.

Dated: April 30, 2020

A handwritten signature in black ink, reading "Robert T. Numbers, II". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Robert T. Numbers, II  
United States Magistrate Judge